

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

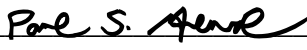
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|------------------------------------|---|-------------------------------------|
| IN RE |) | Case No.: 12-MC-80190-EJD |
| |) | |
| REQUEST FOR ORDER REQUIRING |) | ORDER GRANTING EX-PARTE |
| GOOGLE, INC., TO PRODUCE DOCUMENTS |) | APPLICATION PURSUANT TO 28 |
| AND THINGS |) | U.S.C. § 1782 PERMITTING |
| |) | DISCOVERY FOR USE IN FOREIGN |
| |) | PROCEEDING |
| |) | (RE: Docket No. 1) |

Applicant Linc Energy Limited (“Applicant”) is a company incorporated in Australia and has filed suit in Australia against Yonggang Luo (“Luo”), a former employee, for misappropriation of confidential information. Applicant has filed an ex parte application to obtain certain discovery from Google, Inc. (“Google”) for use in the foreign proceeding. Applicant seeks leave to subpoena emails and related information from Luo’s Gmail account with Google. Applicant claims, and Luo concedes, that Luo sent confidential information to his Gmail account before resigning from his position. The Supreme Court of Queensland has granted an order allowing Applicant to seek evidence for its case against Luo.

The court GRANTS Applicant’s request to serve a subpoena. The court’s order is without prejudice, however, to Google moving to quash that subpoena, and any hearing on such a motion to quash may be heard on an expedited basis. Applicant shall immediately serve a copy of this order on Google together with its subpoena.

IT IS SO ORDERED.

Dated: September 14, 2012



PAUL S. GREWAL
United States Magistrate Judge